

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

U.S. BEVERAGE, INC.)
)
Plaintiff,)
)
v.) Civil Action No. 2:06-CV-496-SRW
)
JOHN BUSTER WALKER, II; and)
TRIDENT MARKETING, INC.;)
)
Defendants.)
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JOHN BUSTER WALKER, II; and)
TRIDENT MARKETING, INC.;)
)
Counterclaim Plaintiffs,)
)
v.)
)
U.S. BEVERAGE, INC.;)
)
Counterclaim Defendant,)
)
and)
)
GRADY DOWLING KITTRELL;)
THOMAS GOING CLARK, III; and)
NORMAN "Buddy" TODD;)
)
Third Party Defendants.)

JOINT MOTION TO CONTINUE PRELIMINARY INJUNCTION HEARING

Plaintiff U.S. Beverage, Inc., Defendants John Walker and Trident Marketing, Inc., and Third Party Defendants Grady Kittrell and Tom Clark jointly move this Court's to continue the preliminary injunction hearing scheduled in this case for April 23, 2007. In support of this motion, the parties state:

- (1) The parties have agreed to conduct a mediation of this case within thirty (30) days of today's date;
- (2) The parties have agreed to jointly select and hire a private mediator to mediate this case;
- (3) The parties agree to send a written report to the Court regarding the outcome of the mediation within thirty days from today's date;
- (4) The parties ask that the Court hold any pending motions in abeyance until the outcome of the mediation of this case; and
- (5) The parties ask that the Court reschedule at this time a date for the preliminary injunction hearing for a date as soon as possible, but after June 15, 2007;

WHEREFORE, Plaintiff, Defendants, and Third Party Defendants move this Court to issue an order continuing the preliminary injunction hearing in this case to a date sometime in the near future and ordering the parties to report the outcome of their mediation of this case within thirty (30) days from today's date.

DATED this the 18th day of April 2007.

s/Raymond L. Jackson, Jr.
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CERTIFICATE OF SERVICE

I certify that on this the 18th day of APRIL 2007 a copy of the foregoing pleading was served upon all counsel of record through the EMCS electronic filing system and/or by placing said copy in First Class U.S. Mail with postage prepaid to the following addresses:

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